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Tax break for gay group still an issue

State court tells city to reconsider refusal

By GARY CRAIG
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A state Supreme Court justice has ordered Rochester officials to reconsider their refusal to grant a property tax exemption to the Gay Alliance of Genesee Valley.

Justice Andrew V. Siracuse yesterday gave the city's Board of Assessment Review 30 days to reconsider its decision on a requested tax exemption for the alliance. The assessment review board last year refused to give the alliance an exemption for its offices and community center at 179-183 Atlantic Ave.

The alliance, in turn, sued the city.

Ellen Yacknin, the lawyer who represents the alliance, said she was heartened by the judge's statements during yesterday's hearing.

"We're encouraged by the judge's words and we felt that he was encouraging the city assessor to again review the application," she said.

City officials will have to convene a special meeting of the board to reconsider the issue.

City lawyers have maintained that the alliance does not meet state requirements for property tax exemptions. To receive the exemption, an organization must be "charitable," "educational," or provide "moral and mental improvement to men, women and children."

The city assessor refused a tax exemption for the property in March 1991. The alliance then asked a review from the assessment review board, and the board also refused to grant an exemption.

Yacknin and the alliance have maintained that the city is discriminating against gays. Alliance officials say they meet the state requirements for an exemption, and note that two other New York centers owned by gay groups do get exemptions. Those centers are in Albany and New York City.